IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2453 OF 2006

United Labour Union ... Petitioner

Vs.

Air India Limited and Ors. ... Respondents

Mr. Susheel Mahadeshwar with Ms. Ranjana Todankar for Petitioner.

Mr. S.K. Talsania, Sr. Counsel with Mr. J. Saluja i/by M.V. Kini & Co. for R. No. 1.

Mr. Y.S. Bhate for R. No. 2.

CORAM: F.I. REBELLO &
ANOOP V. MOHTA,JJ.
DATED: OCTOBER 03, 2006

P.C.:

. Rule. Heard forthwith.

. It is the case of the Petitioners that by an interim order of this court dated 3.5.1991 in Writ Petition No. 1439 of 991 the learned Bench in Para 3 had directed the Management pending further consideration that the workers whose names have been mentioned in the list were to be employed by the employer management directly under then on the same terms and conditions. The learned counsel points out that pursuant to these directions upto the year 2001. they were paid bonus by the Management. The Petition came to be disposed of by order of this court dated 12.12.2002. By that order the

appropriate Government was directed to make reference for adjudication to the Industrial Tribunal. The terms were set out therein. One of the terms reads as under :

> "IV - What are the wages and consequential benefits to be paid to the Petitioners?"

. In Para 2 of the said order it was further directed that the Petitioners before this court who are Petitioners herein would move the Industrial Tribunal for interim relief within a period of four weeks from the date of notice of Reference and till the application for interim relief is decided by the Industrial Tribunal and for a period of four weeks thereafter, Respondent Nos. 2 to 4 are directed to maintain status quo. It is pointed out that the Petitioners herein have applied by way of interim relief. The learned counsel however, points out that they had not applied for bonus by way of interim relief but had moved by independent proceedings for the matter to be taken in conciliation in respect of which reference has been refused.

. After hearing the parties, we are of the opinion that considering the fact that bonus was earlier being paid, there was no need for an independent

reference and that would be covered by Clause IV of the terms of reference. It is therefore, open to the Petitioners to move for interim relief including by way of bonus before the Industrial Court. If the Petitioners have not applied for interim relief in so far as bonus is concerned, they should apply within two weeks from today and on such application and after hearing the Management, the Industrial Tribunal to dispose of the same at any rate not latter than eight weeks on the application being made.

. With the above directions, Petition stands disposed of.

. Rule made partly absolute to the extend as afoerstated. In the circumstances of the case, there shall be no order as to costs.

(ANOOP V. MOHTA,J.) **(F.I.REBELLO, J.)**